Supreme Court Case Activity

Wisconsin v. Yoder (1972)

Directions: Read the case summary, the Court opinion, and the dissenting opinion. Then answer the questions that follow on a separate sheet of paper.

CASE SUMMARY

Families[1] who were members of the Amish community were **convicted**[2] of breaking a Wisconsin law that required minors to attend school until they were 16. The Amish traditionally remove their children from school after 8th grade, at that time families teach their children skills needed to live a successful rural life. The lower courts found that the Amish sincerely believed that additional formal education for their children was contrary to the demands of their faith and threatened the salvation of both adults and children. The Wisconsin State Supreme Court agreed with the Yoders that Wisconsin's compulsory school-attendance law violated their rights under the Free Exercise of Religion Clause of the First Amendment, made applicable to the States by the Fourteenth Amendment. The Supreme Court of the United States was asked to review this decision.

Vote: 9–0

[1] The respondents to this case are the parents charged by the State of Wisconsin. Jonas Yoder and Wallace Miller were members of the Old Order Amish Religion and Adin Yutzy was a member of the Conservative Amish Mennonite Church.

[2] For this conviction, the Green County court fined each family $5.00.

COURT OPINION

Chief Justice Burger delivered the opinion of the Court.

A . . . feature of Old Order Amish communities is their devotion to a life in harmony with nature and the soil, as exemplified by the simple life of the early Christian era that continued in America during much of our early national life. Amish beliefs require members of the community to make their living by farming or closely related activities. Broadly speaking, the Old Order Amish religion pervades and determines the entire mode of life of its adherents. Their conduct is regulated in great detail by the Ordnung, or rules, of the church community. Adult baptism, which occurs in late adolescence, is the time at which Amish young people voluntarily undertake heavy obligations, not unlike the Bar Mitzvah of the Jews, to abide by the rules of the church community.

Amish objection to formal education beyond the eighth grade is firmly grounded in these central religious concepts. They object to the high school, and higher education generally, because the values they teach are in marked variance with Amish values and the Amish way of life; they view secondary school education as

an impermissible exposure of their children to a "worldly" influence in conflict with their beliefs...

The Amish do not object to elementary education through the first eight grades as a general proposition because they agree that their children must have basic skills in the "three R's" in order to read the Bible, to be good farmers and citizens, and to be able to deal with non-Amish people when necessary in the course of daily affairs. They view such a basic education as acceptable because it does not significantly expose their children to worldly values or interfere with their development in the Amish community during the crucial adolescent period...

There is no doubt as to the **power of a State**[3], having a high responsibility for education of its citizens, to impose reasonable regulations for the control and duration of basic education. . . . . Thus, a State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment, and the traditional interest of parents with respect to the religious upbringing of their children. . . .

[3] The Court has consistently found this power to be limited. In *Pierce v. Society of Sisters* (268 U.S. 210, 1925) they found an Oregon law requiring children to attend public school from ages 8-16 violated parents' rights to educate their children, including religious education.

It follows that in order for Wisconsin to compel school attendance beyond the eighth grade against a claim that such attendance interferes with the practice of a legitimate religious belief, it must appear either that the State does not deny the free exercise of religious belief by its requirement, or that there is a state interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause. Long before there was general acknowledgment of the need for universal formal education, the Religion Clauses had specifically and firmly fixed the right to free exercise of religious beliefs, and buttressing this fundamental right was an equally firm, even if less explicit, prohibition against the establishment of any religion by government. The values underlying these two provisions relating to religion have been zealously protected, sometimes even at the expense of other interests of admittedly high social importance...

...We can accept it as settled, therefore, that, however strong the State's interest in universal compulsory education, it is by no means absolute to the exclusion or subordination of all other interests...

...A way of life, however virtuous and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations; to have the protection of the Religion Clauses, the claims must be rooted in religious belief. Although a determination of what is a "religious" belief or practice entitled to constitutional protection may present a most delicate question, the very concept of ordered liberty

precludes allowing every person to make his own standards on matters of conduct in which society as a whole has important interests...

Giving no weight to such secular considerations, however, we see that the record in this case abundantly supports the claim that the traditional way of life of the Amish is not merely a matter of personal preference, but one of deep religious conviction, shared by an organized group, and intimately related to daily living...

The record shows that the respondents' religious beliefs and attitude toward life, family, and home have remained constant — perhaps some would say static — in a period of unparalleled progress in human knowledge generally and great changes in education...

The impact of the compulsory-attendance law on respondents' practice of the Amish religion is not only severe, but inescapable, for the Wisconsin law affirmatively compels them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs. . . . . It carries with it precisely the kind of objective danger to the free exercise of religion that the First Amendment was designed to prevent. As the record shows, compulsory school attendance to age 16 for Amish children carries with it a very real threat of undermining the Amish community and religious practice as they exist today; they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant region...

Neither the findings of the trial court nor the Amish claims as to the nature of their faith are challenged in this Court by the State of Wisconsin. Its position is that the State's interest in universal compulsory formal secondary education to age 16 is so great that it is paramount to the undisputed claims of respondents that their mode of preparing their youth for Amish life, after the traditional elementary education, is an essential part of their religious belief and practice. Nor does the State undertake to meet the claim that the Amish mode of life and education is inseparable from and a part of the basic tenets of their religion — indeed, as much a part of their religious belief and practices as baptism, the confessional, or a sabbath may be for others.

Wisconsin concedes that under the Religion Clauses religious beliefs are absolutely free from the State's control, but it argues that "actions," even though religiously grounded, are outside the protection of the First Amendment. But our decisions have rejected the idea that religiously grounded conduct is always outside the protection of the Free Exercise Clause. It is true that activities of individuals, even when **religiously based**[4], are often subject to regulation by the States in the exercise of their undoubted power to promote the health, safety, and general welfare, or the Federal Government in the exercise of its delegated powers. But to agree that religiously grounded conduct must often be subject to the broad police power of the State is not to deny that there are areas of conduct protected by the Free Exercise Clause of the First Amendment and thus **beyond the power of the State to control**[5], even under regulations of general applicability. This case, therefore, does not become easier because respondents

[4] Cases such as *Reynolds v. United States*, 98 U.S. 145 (1879) and *Employment Division v. Smith*, 494 U.S. 872 (1990) demonstrate this. *Reynolds* upheld a federal law forbidding bigamy even as a religious practice and *Smith* allowed employees who smoked peyote as part of sacred rites in the Native American Church to be denied employment benefits due to illegal drug use.

[5] In *Cantwell v. Connecticut*, 310 U.S. 296 (1940), the Court found a state law that required permits to solicit but was selectively applied against Jehovah Witnesses was unconstitutional.

were convicted for their "actions" in refusing to send their children to the public high school; in this context belief and action cannot be neatly confined in logic-tight compartments.

Nor can this case be disposed of on the grounds that Wisconsin's requirement for school attendance to age 16 applies uniformly to all citizens of the State and does not, on its face, discriminate against religions or a particular religion, or that it is motivated by legitimate secular concerns. A regulation neutral on its face may, in its application, nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion. *Walz v. Tax Commission*, 397 U.S. 664 (1970). The Court must not ignore the danger that an exception from a general obligation of citizenship on religious grounds may run afoul of the Establishment Clause, but that danger cannot be allowed to prevent any exception no matter how vital it may be to the protection of values promoted by the right of free exercise…

The State advances two primary arguments in support of its system of compulsory education. It notes, as Thomas Jefferson pointed out early in our history, that some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence. Further, education prepares individuals to be self-reliant and self-sufficient participants in society. We accept these propositions.

However, the evidence adduced by the Amish in this case is persuasively to the effect that an additional one or two years of formal high school for Amish children in place of their long-established program of informal vocational education would do little to serve those interests…

The State, however, supports its interest in providing an additional one or two years of compulsory high school education to Amish children because of the possibility that some such children will choose to leave the Amish community, and that if this occurs they will be ill-equipped
for life….

For the reasons stated we hold, with the Supreme Court of Wisconsin, that the First and Fourteenth Amendments prevent the State from compelling respondents to cause their children to attend formal high school to age 16. Our disposition of this case, however, in no way alters our recognition of the obvious fact that courts are not school boards or legislatures, and are ill-equipped to determine the "necessity" of discrete aspects of a State's program of compulsory education. This should suggest that courts must move with great circumspection in performing the sensitive and delicate task of weighing a State's legitimate social concern when faced with religious claims for exemption from generally

applicable educational requirements. It cannot be overemphasized that we are not dealing with a way of life and mode of education by a group claiming to have recently discovered some "progressive" or more enlightened process for rearing children for modern life....

Nothing we hold is intended to undermine the general applicability of the State's compulsory school-attendance statutes or to limit the power of the State to promulgate reasonable standards that, while not impairing the free exercise of religion, provide for continuing agricultural vocational education under parental and church guidance by the Old Order Amish or others similarly situated. The States have had a long history of amicable and effective relationships with church-sponsored schools, and there is no basis for assuming that, in this related context, reasonable standards cannot be established concerning the content of the continuing vocational education of Amish children under parental guidance, provided always that state regulations are not inconsistent with what we have said in this opinion.

Affirmed.

DISSENTING OPINION

Justice Douglas, dissenting in part.

I agree with the Court that the religious scruples of the Amish are opposed to the education of their children beyond the grade schools, yet I disagree with the Court's conclusion that the matter is within the dispensation of parents alone. The Court's analysis assumes that the only interests at stake in the case are those of the Amish parents on the one hand, and those of the State on the other. The difficulty with this approach is that, despite the Court's claim, the parents are seeking to vindicate not only their own free exercise claims, but also those of their high-school-age children...

Religion is an individual experience. It is not necessary, nor even appropriate, for every Amish child to express his views on the subject in a prosecution of a single adult. Crucial, however, are the views of the child whose parent is the subject of the suit. Frieda Yoder has in fact testified that her own religious views are opposed to high-school education. I therefore join the judgment of the Court as to respondent Jonas Yoder. But Frieda Yoder's views may not be those of Vernon Yutzy or Barbara Miller. I must dissent, therefore, as to respondents Adin Yutzy and Wallace Miller as their motion to dismiss also raised the question of their children's religious liberty.

This issue has never been squarely presented before today. Our opinions are full of talk about **the power of the parents**[6] over the child's education... And we have in the past analyzed similar conflicts between parent and State with little regard for the views of the child...Recent cases, however, have clearly held that the children themselves have constitutionally protectible interests.

These children are "persons" within the meaning of the **Bill of Rights**[7]. We have so held over and over again....

It is the future of the student, not the future of the parents, that is imperiled by today's decision. If a parent keeps his child out of school beyond the grade school, then the child will be forever barred from entry into the new and amazing world of diversity that we have today. The child may decide that that is the preferred course, or he may rebel. It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny. If he is harnessed to the Amish way of life by those in authority over him and if his education truncated, his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption which we honor today.

[6] The Supreme Court in *Myer v. Nebraska*, 262 U.S. 390 (1923), found a state law prohibiting the teaching of children modern foreign languages (like German) to be a violation of parental rights to educate their children.

[7] And as such they have constitutional rights in a public school setting, such as: the freedom of expression (*Tinker v. Des Moines School District*, 393 U.S. 503 (1968); free speech to refuse to say the Pledge of Allegiance (*West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943); and protection against unlawful search and seizure (*Safford United School District v. Redding*, 557 U.S. 364 (2009).

PART I: MAPPING THE DECISION

1. In Justice Burger's majority opinion, he makes several assumptions regarding the plaintiffs' actions.

2. Describe Burger's assumptions regarding the State's responsibility for the education of its citizens.

3. What other factors does Burger claim must be considered when mandating education requirements?

4. Explain the basis of Yoder's claim that Wisconsin's compulsory education requirements violated their First Amendment rights.

5. Explain the Court's reasoning as to why Wisconsin believed that it could compel school attendance in this situation.

PART II: EXPLAINING THE DECISION

6. What was the Supreme Court's ruling in *Wisconsin v. Yoder*, 1972?

PART III: EXPLAINING DISSENTS AND CONCURRING OPINIONS

7. What was the primary point of Justice Douglas; dissent (in part)?

PART IV: MAKING CONNECTIONS

8. Briefly explain other Supreme Court cases concerning issues presented in *Yoder*.

PART V: CRAFTING AN ESSAY

9. Using your responses to the questions above, develop an essay describing the context of the case, explain the reasoning for the majority decision, explain the reasoning of concurring [and dissenting] Supreme Court decisions, and explain similarities and differences among related Supreme Court decisions and opinions.

TEACHER GUIDE

Supreme Court Case Activity

Wisconsin v. Yoder (1972)

Extension Activities

QUESTIONS FOR DISCUSSION

1. Why is it important that the Supreme Court clarifies the importance of the Amish objection to compulsory education based on *religious* grounds?
2. What is the difficulty in applying Justice Douglas' assertion that "The child, therefore, should be given an opportunity to be heard?"
3. In this case, the Court ruled that a religious sect was exempt from one section of the law. What other laws might religious groups take exception to?

FOR FURTHER RESEARCH

In some cities, the placement of eruv – wire or PVC piping that serves as a symbolic boundary – has resulted in legal action between municipalities and communities of observant Jews. The boundaries allow observant Jews to carry out a range of activities, including carrying keys, canes and walkers, and even children, which otherwise are forbidden on the Shabbat. Research eruvin (the plural of eruv) and determine whether the controversies surrounding the placement of eruvin constitute a challenge based on First Amendment claims.

Answers to Student Assignment

PART I: MAPPING THE DECISION

1. **Describe Burger's assumptions regarding the State's responsibility for the education of its citizens.**
   The State has a high responsibility for requiring universal education, in that some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system and education prepares individuals to be self-reliant and self-sufficient participants in society.

2. **What other factors does Burger claim must be considered when mandating education requirements?**
   The majority opinion claims that states must balance the responsibility of regulating education with fundamental rights and interests of individuals, including those protected by the Free Exercise clause of the First Amendment.

3. **Explain the basis of Yoder's claim that Wisconsin's compulsory education requirements violated their First Amendment rights.**

   Amish beliefs require members of the community to make their living by farming or closely related activities. The Amish do not object to elementary education through the first eight grades because they agree that their children must have basic skills to read the Bible and to be good farmers and citizens. However, they do object to education beyond eighth grade because the values taught are at odds with Amish values and the Amish way of life. The Amish view secondary school education as an impermissible exposure of their children to a "worldly" influence that is in conflict with their beliefs. Because the traditional way of life of the Amish is not merely a matter of personal preference, or a secular consideration, but rather one of deep religious conviction, shared by an organized group, and intimately related to daily living, it is protected by the Free Exercise clause of the First Amendment.

4. **Explain the Court's reasoning as to why Wisconsin believed that it could compel school attendance in this situation.**

   Burger reasoned that Wisconsin was asserting either that the attendance requirement does not deny free exercise, or that the state's interest in compelling school attendance overrides the First Amendment claims.

PART II: EXPLAINING THE DECISION

5. **What was the Supreme Court's ruling in *Wisconsin v. Yoder*, 1972?**

   The Court held in favor of the Yoders, saying that the First and Fourteenth Amendments prevent the State from compelling respondents to cause their children to attend formal high school to age 16. Saying that the impact of the compulsory-attendance law on respondents' practice of the Amish religion was not only severe, but inescapable, because the Wisconsin law affirmatively compels them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs. Therefore, it carries with it precisely the kind of objective danger to the free exercise of religion that the First Amendment was designed to prevent. As the record shows, compulsory school attendance to age 16 for Amish children carries with it a very real threat of undermining the Amish community and religious practice as they exist; they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant region.

PART III: EXPLAINING DISSENTING OPINIONS

6. **What was the primary point of Justice Douglas; dissent (in part)?**

   Justice Douglas argued that children themselves have constitutionally protectable interests (not just their parents, who were the defendants in Yoder) under the Bill of Rights, saying "It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny."

PART IV: MAKING CONNECTIONS

7. Briefly explain other Supreme Court cases concerning issues presented in *Yoder*.

Several Supreme Court cases reflect the struggle to at once protect the free exercise rights of the religious practices of the majority of Americans but refrain from facilitating the establishment of religion, while simultaneously protecting the free exercise rights of all religious practitioners. The interpretation and application of the First Amendment's Establishment Clause and Free Exercise clause can be seen in *Engel v. Vitale* (1962), which declared that school sponsorship of religious activities violates the establishment clause.

Cases showing that the activities of individuals, even though religiously grounded, are outside First Amendment protection include:

- *Reynolds v. United States*, 98 U.S. 145 (1879) which upheld a federal law forbidding bigamy even as a religious practice.
- *Employment Division v. Smith*, 494 U.S. 872 (1990) allowed for employees who smoked peyote as part of sacred rites in the Native American Church to be denied employment benefits due to illegal drug use.

Case ruling that general regulations cannot be used selectively to infringe on First Amendment Rights include:

- *Cantwell v. Connecticut*, 310 U.S. 296 (1940), the Court found a state law that required permits to solicit but was selectively applied against Jehovah Witnesses was unconstitutional.
- In addition, other cases address the issue of the constitutional rights of children, brought up in Justice Douglas's dissent:
- *Tinker v. Des Moines School District*, 393 U.S. 503 (1968), freedom of expression; *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), in which the Court ruled children have the right of free speech to refuse to say the Pledge of Allegiance; and protection against unlawful search and seizure (*Safford United School District v. Redding*, 557 U.S. 364 (2009).

PART V: CRAFTING AN ESSAY

8. Using your responses to the questions above, develop an essay describing the context of the case, explain the reasoning for the majority decision, explain the reasoning of concurring [and dissenting] Supreme Court decisions, and explain similarities and differences among related Supreme Court decisions and opinions.

Response Outline:

I. The Context of Wisconsin v. Yoder (1972)
   A. Wisconsin's responsibility to educate its citizens
   B. Yoder's claim of free exercise
II. The Court's reasoning
III. The Court's decision
IV. Douglas's dissent (in part)
V. Other appropriate cases.